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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,359	06/28/2001	Brian Fain	00772	7530
7590	06/10/2004		EXAMINER	
Jonathan C Parks Esq Kirkpatrick & Lockhart LLP Henry W Oliver Building 535 Smithfield Street Pittsburgh, PA 15222-2312			TIEU, BENNY QUOC	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 06/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/894,359	FAIN ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Benny Q. Tieu	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 and 18-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 and 18-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13, 15, 16, 18-20 and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan (U.S. Patent No. 5,185,782).

Regarding claim 1, Srinivasan teaches a system for providing a call back option to a customer of a call center, comprising:

a telecommunications switch (Fig. 1, 100);

an automatic call distributor (Fig. 1, 101) in communication with the telecommunications switch via first and second communications links (Fig. 1, 105);

means for providing the customer with a call back option in response to a first call (incoming call) from the customer, wherein the first call is routed to the automatic call distributor by the telecommunications switch over the first communications link (column 3, line 50 through column 4, line 34); and

means for establishing a second call (outgoing call) between the automatic call distributor and the customer over the second communications link when the customer accepts the call back option (column 7, lines 26-41).

It should be noticed that when the customer accepts the call back option, the second call (callback) is inherently given a priority greater than one or more pending calls associated with the call center because when the time for callback has come, the callback is initiated and of course, the callback bypasses callers waiting in queues.

Regarding claim 2, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for providing the customer with a call back option when the call center is busy (column 2, lines 23-30).

Regarding claim 3, Srinivasan further teaches the system wherein the means for providing the customer with a call back option when the call center is busy includes means for providing the customer with a call back option based on the time of the first call from the customer (column 2, lines 15-18).

Regarding claim 4, Srinivasan further teaches the system wherein the means for providing the customer with a call back option when the call center is busy includes means for providing the customer with a call back option based on an indication from the call center (column 4, lines 57-67).

Regarding claim 5, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for playing a message for the customer regarding the call back option and for determining whether the customer accepts the call back option (column 5, lines 1-16).

Regarding claim 6, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for providing a customer call back option (column 5, lines 17-19).

Regarding claim 7, Srinivasan further teaches the system wherein:

the means for providing the customer with an option to call back the call center during a specified time period (column 5, lines 21-24); and

the means for establishing the second call includes means for establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 8, Srinivasan further teaches the system wherein the means for providing the customer with a call includes means for providing a call center call back option (column 5, lines 17-19).

Regarding claim 9, Srinivasan further teaches the system wherein:

the means for providing a call center call back option includes means for providing the customer with an option of having the call center call back the customer during a specified time period (column 5, lines 21-24); and

the means for establishing the second call includes means for establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 10, Srinivasan further teaches the system wherein the means for providing the customer call back option and the means for establishing the second call include a call back service platform in communication with the automatic call distributor (column 7, lines 26-41).

Regarding claim 11, Srinivasan further teaches the system wherein:

the means for providing the customer call back option includes an incoming call processing module in communication with the automatic call distributor (Fig. 2, 201+202); and the means for establishing the second call includes a return call processing module in communication with the automatic call distributor (Fig. 2, 204).

Regarding claim 12, Srinivasan further teaches the system wherein the incoming call processing module is for playing a message providing the customer with the call back option in response to the automatic call distributor receiving the first call, and for detecting a response by the customer to the message (Fig. 2, 108).

Regarding claim 13, Srinivasan further teaches the system wherein the return call processing module is for placing the second call to the customer when it is determined that the customer accepted the call back option (column 6, lines 40-51).

Regarding claim 15, Srinivasan further teaches the system wherein at least one of the first and second communications links includes a trunk circuit (Fig. 1, 105).

Regarding claim 16, Srinivasan teaches a system for providing a call back option to a customer of a call center, comprising:

a telecommunications switch (Fig. 1, 100);  
an automatic call distributor in communication with the telecommunications switch via first and second communications links (Fig. 1, 105); and  
a call back service platform in communication with the automatic call distributor (Fig. 2).  
wherein:

the telecommunications switch is for routing a first call to the call center from the customer to the automatic call distributor via the first communications link (column 3, line 50 through column 4, line 34); and

the call back service platform is for providing the customer with a call back option in response to the first call from the customer, and for establishing a second call between the automatic call distributor and the customer over the second communications link when it is determined that the customer accepted the call back option (column 7, lines 26-41).

It should be noticed that when the customer accepts the call back option, the second call (callback) is inherently given a priority greater than one or more pending calls associated with the call center because when the time for callback has come, the callback is initiated and of course, the callback bypasses callers waiting in queues.

Regarding claim 18, Srinivasan further teaches the system wherein the call back service platform is further for providing the customer with an option of having the call center call back the customer during a specified time period, for determining whether the customer accepted the call back option, and for establishing the second call during the specified time period when it is determined that the customer accepted the call back option (column 6, line 65 through column 7, line 40).

Regarding claim 19, Srinivasan teaches a call center, comprising:  
an automatic call distributor (Fig. 1, 110); and  
a call back service platform in communication with the automatic call distributor, wherein the call back is for providing a customer with a call back option in response to a first call from the customer to the automatic call distributor over a first communications link (column

3, line 50 through column 4, line 34), and for establishing a second call between the customer and the automatic call distributor over a second communications link when it is determined that the customer accepted the call back option (column 7, lines 26-41).

It should be noticed that when the customer accepts the call back option, the second call (callback) is inherently given a priority greater than one or more pending calls associated with the call center because when the time for callback has come, the callback is initiated and of course, the callback bypasses callers waiting in queues.

Regarding claim 20, Srinivasan further teaches the call center wherein the call back service platform is further for providing the customer with an option of having the call center call back the customer during a specified time period, for determining whether the customer accepted the call back option, and for establishing the second call during the specified time period when it is determined that the customer accepted the call back option (column 6, line 65 through column 7, line 40).

Regarding claim 28, Srinivasan teaches a method for providing a call back option to a customer of a call center, comprising:

routing a first call from the customer to the call center over a first communications link (Fig. 1);  
providing the customer with a call back option in response to the first call from the customer to the call center (column 3, line 50 through column 4, line 34); and  
establishing a second call between the call center and the customer over a second communications link when the customer accepts the call back option (column 7, lines 26-41).

It should be noticed that when the customer accepts the call back option, the second call (callback) is inherently given a priority greater than one or more pending calls associated with the call center because when the time for callback has come, the callback is initiated and of course, the callback bypasses callers waiting in queues.

Regarding claim 29, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing the customer with a call back option when the call center is busy (column 2, lines 23-30).

Regarding claim 30, Srinivasan further teaches the method wherein providing the customer with a call back option when the call center is busy includes providing the customer with a call back option based on the time of the first call from the customer (column 2, lines 15-18).

Regarding claim 31, Srinivasan further teaches the method wherein providing the customer with a call back option when the call center is busy includes providing the customer with a call back option based on an indication from the call center (column 4, lines 57-67).

Regarding claim 32, Srinivasan further teaches the method wherein providing the customer with a call back option includes: playing a message for the customer regarding the call back option and determining whether the customer accepts the call back option (column 5, lines 1-16).

Regarding claim 33, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing a customer call back option (column 5, lines 17-19).

Regarding claim 34, Srinivasan further teaches the method wherein:

providing a customer call back option includes providing the customer with an option to call back the call center during a specified time period (column 5, lines 21-24); and establishing the second call includes establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 35, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing a call center call back option (column 5, lines 17-19).

Regarding claim 36, Srinivasan further teaches the method wherein: providing a call center call back option includes providing the customer with an option of having the call center call back the customer during a specified time period (column 5, lines 21-24); and

establishing the second call includes establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 14 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan in view of Farris (U.S. Patent No. 5,692,033).

Regarding claims 14 and 21-27, Srinivasan teaches a system for providing a callback option to a customer of a call center as described in rejection above. The difference is that Srinivasan fails to teach Intelligent Network including a service control point and an intelligent peripheral in associated with call center to process incoming calls. However, Intelligent Network is well known in the art and taught by Farris (column 5, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate the use of Intelligent Network taught by Farris to modify the system disclosed by Srinivasan in order to enables the call center to serve all calling parties in the queue as quickly as possible.

It should be noticed that when the customer accepts the call back option, the second call (callback) is inherently given a priority greater than one or more pending calls associated with the call center because when the time for callback has come, the callback is initiated and of course, the callback bypasses callers waiting in queues.

#### *Response to Arguments*

6. Applicant's arguments filed April 26, 2004 have been fully considered but they are not persuasive. Applicant states that Srinivasan fails to disclose the return call is given priority over other calls currently pending with the ACD system. The Examiner respectfully disagrees. It is clear that when the time for a return call is up, the return call is initiated. It doesn't matter how many other pending calls in the queue, the next available agent is assigned to the return call. Applicant further states that the ACD arrangement disclosed by Srinivasan will place the return call only at the time indicated and even then only if there is a trunk and agent available. Then, Applicant concludes that the return call is given no priority with respect to other pending calls that are awaiting the availability of agents and ACD system resources. The Examiner respectfully disagrees with Applicant's conclusion. When a trunk and an agent are next available, the trunk and agent are reserved for the callback (Fig. 8). Therefore, the callback is given priority compared to others. If it is assumed the same situation as described in Srinivasan (where there is no available trunk and agent by the time for callback time) in Applicant's

invention, what will be happening in Applicant's invention? The answer is the same, e.g. the callback call is still waiting for next available agent and/or trunk. Therefore, the Examiner believes the Office Action is proper and maintain the rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box After Final

Washington, D.C. 20231

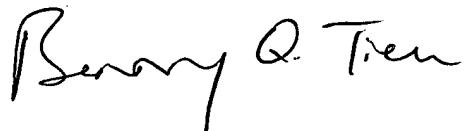
OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)  
2121 Crystal Drive  
Arlington, VA 22202.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BENNY TIEU**  
**PRIMARY EXAMINER**

Art Unit 2642  
June 2, 2004